

Compliance Assessment Report CAR_NRW0042471

Permit being assessed: BV8016ID.

For: Kelloggs EPR/BV8016ID, **held by:** Kellogg Company of Great Britain Ltd

At: Kelloggs Bryn Lane , Wrexham Industrial Estate, Wrexham, Clwyd, LL13 9UT.

Type of assessment: Report/Data Review,

Reason: Routine.

On: 18/09/2023.

Parts of permit assessed: Response to Improvement Condition 9 .

NRW Lead Officer: Jamie Blythin.

Report sent to: Julia Frost , EHS Practitioner, on 29/04/2024.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR2E - Installations - Operations - Improvement programme	Assessed (A)	
IR2E - Installations - Operations - Improvement programme	Action only (X)	

Result types are explained in more detail in the 'Important Information' section below.

Total non-compliances recorded	Total non-compliance score
0	0

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
IR2E	Action 1- Provide NRW with realistic dates for end of life replacement for all units that contain refrigerants that are not in line with BAT	06/06/2024

Compliance criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

At this time, we do not intend to take any further action.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

This Compliance Assessment Report (CAR) follows the review of information submitted in response to Improvement Condition (IC) 9. The operator submitted this information to Natural Resources Wales (NRW) on 31/07/23 which was within the deadline extension agreed with NRW.

IC 9 requires the Operator to:

'Submit to Natural Resources Wales an updated written procedure following additional investigate work describing how they intend to meet the following BAT requirements in accordance with the requirements specified within:

- BAT Conclusion 9 of the Food, Drink and Milk Industries BRef Document (EU 2019) – In order to prevent emissions of ozone depleting substances and of substances with a high global warming potential from cooling and freezing, BAT is to use refrigerants without ozone depletion potential and with a low global warming potential

The report should include but not limited to

- a review of the use of the current refrigerant as to whether it meets the BAT requirements as specified above and;
- a feasibility study and implementation plan (if appropriate) regarding the replacement of the current refrigerant with one with a lower global warming potential and no ozone depletion potential. Suitable alternatives include but not limited to ammonia, water and carbon dioxide.

The report shall be submitted to Natural Resources Wales by the date specified for review. Natural Resources Wales will review the report to determine if the above BAT requirements have been achieved.'

The operator submitted the following documents to NRW for review:

- WX-EMS-0006-EREF (register of ozone depleting substances and F-gases at the site- updated July 2023).
- IC9-Refrigerants
- WX-EMS-0032-EMP-Ozone depleting substances and F gases procedure- Updated July 2023

Document WX-EMS-006-ERF lists the Ozone depleting substances at the Wrexham site. This information is summarised in the IC9-Refrigerants document.

The BAT review interpretation guidance required the following to be carried out in order to

demonstrate BAT:

Stage 1. Consideration of short term improvement opportunities in the permitted installation

Where high GWP refrigerants are used e.g. R404A (GWP 3922), operators should consider replacement with “retrofillable” alternatives with a lower GWP. For example R448A and R449A (GWP ~ 1400) are suitable alternatives to R404A and replacement would result in ~50% GWP reduction. Such non-capital improvements may be achieved within relatively short timescales.

Stage 2. End of life system replacement.

This stage requires Operators to provide proposals on how they intend to move to refrigerants with the lowest practical GWP and to identify any systems currently using R22 and propose a suitable alternative.

With reference to the information submitted in relation to IC9, the Operator has reviewed the refrigerants used on site and specified that there are currently 7 in use (R22,R32,R134a,R407C,R410A,R417A,R422DR448A). The majority of these are in air conditioning units with some used in process water and air cooling.

The operator states that a number of units contain refrigerants that are not currently in line with BAT. They have carried out a feasibility study regarding the replacement of the current refrigerants with refrigerants with a lower global warming potential and no ozone depletion potential. Procedure WX-EMS-0032-EMP has been updated to include the requirement that all new equipment will contain non ozone depleting refrigerants with a low GWP.

For existing units, the Operator proposes to replace them at end of life. Their justification for this is:

- A log of any additions of refrigerants to systems is recorded internally. As per legislation no top ups of R22 have been made and the most recent top up of other refrigerants was in 2019.
- Typically changing the refrigerant degrades the overall performance of the unit – ie it uses more energy.
- The majority of the units on site are small.
- Units are risk assessed and our maintenance schedule exceeds the frequencies stipulated in the relevant legislation.
- A number of the units will be taken out of operation by the end of 2024.
- We are able to refill the R22 units with R417a but whilst this would remove the ozone depletion element it would increase the GWP and make the units less efficient.

Action 1 - Provide NRW with the anticipated timescales for end of life replacement for all units that contain refrigerants that are not in line with BAT.

Subject to a suitable submission as per action 1 above, NRW considers that the requirements of the Improvement Condition have been met.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

If your assessment result in Section 1 is suspended, what does this mean?

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

Full list of Industry compliance criteria (used in section 1 and 2):

1. Management

- IR1A – General management
- IR1B – Finance (only applicable to Landfill)
- IR1C – Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

2. Operations

- IR2A – Permitted activities
- IR2B – The site
- IR2C – Operating techniques
- IR2D – Technical requirements
- IR2E – Improvement programme
- IR2F – Pre-operational conditions
- IR2G – Landfill engineering (only applicable to Landfill)
- IR2H – Waste acceptance (only applicable to Landfill)
- IR2I – Leachate levels (only applicable to Landfill)
- IR2J – Closure and aftercare (only applicable to Landfill)
- IR2K – Landfill gas management (only applicable to Landfill)

3. Emission and Monitoring

- IR3A – Emissions to water, air or land
- IR3B – Emissions of substances not controlled by emission limits
- IR3C – Odour
- IR3D – Noise and vibration
- IR3E – Monitoring
- IR3F – Pests
- IR3G – Air quality management plans
- IR3H – Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I – Fire

4. Information

- IR4A – Records
- IR4B – Reporting
- IR4C – Notification

Enforcement response

Any non-compliance with a permit condition is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or

suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. Health and Safety Executive, local authorities) on environmental issues
- carrying out statistical analysis, research and development on environmental issues
- providing public register information to enquirers
- investigating possible breaches of environmental law
- assessing customer service satisfaction and improving our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within twenty working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 to 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.